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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,578	04/13/2007	Giuseppe Diomelli	P39355-01	8282

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EXAMINER
NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
10/19/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/588,578	DIOMELLI ET AL.	
	Examiner	Art Unit	
	HUY T. NGUYEN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/29/09,02/06/09,8/15/08,8/13/08,10/02/06,8/04/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. It is appeared that in the record of the application there are two different first inventor names and two different titles in papers filed 07/01/2009 and 4/13/2007. Clarifying and correcting are requested.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-7 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-7 direct to information on a medium without specifying that the medium is a computer readable medium. The medium can be a paper on which is printed with information (a drawing or an image). See MPEP 2100.

Claim 16 directs to a program without specifying the location of the program and that the program is encoded or recorded on a computer readable medium.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 12 and 13 and in the specification page 103, it is not clear what is meant by "rock point" and "rock operation".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Yamaguchi et al (6,088,507).

Regarding claims 1, 8,16 and 17, Yamaguchi discloses a medium with a trick play , the recording medium having playlist information (file management)recorded thereon, wherein the playlist information defines a playback section of each of a plurality of digital streams, and includes main-path information (picture or video data) and sub-path information (audio or subpicture (Figs. 13-15,32),

the main-path information designates one of the digital streams as a main stream, and defines a portion of the main stream as a primary playback section,
the sub-path information designates another one of the digital streams as a substream, and defines a portion of the substream as a secondary playback section that is to be synchronously played back with the primary playback section (column 2, lines 32-45, column 3, lines 33-45).,
the recording medium further has recorded thereon the one of the plurality of digital streams designated as the sub stream, together with an entry map (table) , and
the entry map indicates a plurality of entry points on the sub stream in one-to-one correspondence with a plurality of entry times on a timeline of the sub stream (Figs. 13-15).

Regarding claims 2 and 3, Yamaguchi teaches start time and end time for playback sections and first type entry and a second type entry (tables for video. Audio and subpicture data) (Fig. 25)

Regarding claim 4, Yamaguchi further teaches the main stream carries Primary video (picture), and the sub stream carries secondary video (subpicture).

Regarding claim 5, Yamaguchi teaches the playlist information instructs a playback device to present playback of the primary video and playback of the secondary video on a same screen (Figs . 18,21).

Regarding claim 6, Yamaguchi teaches the sub-path information includes synchronous information, a synchronization point for the synchronous playback is indicated by timing information included in the synchronous information, and

if the timing information is set to an undefined value, the synchronization point is set by the playback device to a time at which a predetermined user operation is received (Fig. 26).

Regarding claim 7, Yamaguchi teaches the synchronous information further includes position information and size information, the position information indicates a display position of the secondary video playback when presented on the same screen as the primary video playback, and
the size information indicates a height and a width of the secondary video playback when presented on the same screen as the primary video playback (the subtitle is displayed in a area having a predefined size) (Fig. 18, 21, 32).

8. Claims 1, 4-12, and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al (5596564).

Regarding claims 1, 8,16 and 17 Fukushima et al (5596564) discloses playback device for playback information on a medium with a trick play , the recording medium having p!aylist information (file management)recorded thereon, wherein the playlist information defines a playback section of each of a plurality of digital streams, and includes main-path information (picture data) and sub-path information (audio or text)(Figs. 2,3,12,13, column 6, column 10, column 12),
the main-path information designates one of the digital streams as a main stream, and defines a portion of the main stream as a primary playback section,
the sub-path information designates another one of the digital streams as a substream,

and defines a portion of the substream as a secondary playback section that is to be synchronously played back with the primary playback section (column 10, lines 52-68), the recording medium further has recorded thereon the one of the plurality of digital streams designated as the substream, together with an entry map, and
the entry map indicates a plurality of entry points on the substream in one-to-one correspondence with a plurality of entry times on a timeline of the substream (Figs. 2,12,13, column 6, lines 25-58, column 10, lines 52-68, column 13, lines 10-20).

Regarding claim 8, Fukushima discloses a playback device (Figs. 5 and 9, columns 6,10,12,16-18 and 12) for executing trick play of a main stream and a substream (column 12, lines) a portion of the main stream being defined as a primary playback section, a portion of the substream being defined as a secondary playback section, data start point of the trick play being defined on a timeline of the primary playback section, the playback device comprising:
a first conversion unit (16,17) operable to convert the start point into a corresponding address on the main stream (Fig. 2,3, column 12, lines 37-68, column 1 27, lines 1-20);
a second conversion unit (28,29) operable to convert the start point into a corresponding point defined on a timeline of the secondary playback Section, and to further convert the corresponding point into a corresponding address on the substream (Figs. 12,13, column 28) ;
a reading unit operable to read the main stream and substream starting from the respective addresses obtained by the first and second conversion units; and

a playback unit operable to play back the main stream and the substream read by the reading unit, wherein the primary and secondary playback sections are defined by playlist information (File management),

the playlist information includes synchronous information, the synchronous information includes timing information indicating, on the timeline of the primary playback section, a synchronization point for starting synchronous playback of the secondary playback section with the primary playback section (column 10, , the substream is associated with an entry map,

the second conversion unit is operable to use the synchronous information to perform the conversion into the corresponding point on the timeline of the secondary playback section, and

the second conversion unit is operable to use the entry map associated with the substream to perform the conversion into the corresponding address on the substream (column 10, lines 52-68, column 13, lines 10-20).

Method claims 16 and 17 corresponds to apparatus claim 8, therefore method claim 17 id rejected by the same reason as applied to apparatus claims 8.

Further for claim 16, Fukushima teaches a program used with a computer since the operations of recording and reproducing the information on the medium are controlled by a computer.

Regarding claim 4, Fukushima further teaches the main stream carries Primary video (picture), and the substream carries secondary video (subtitle).

Regarding claim 5, Fukushima teaches the playlist information instructs a playback device 25 to present playback of the primary video and playback of the secondary video on a same screen.

Regarding claim 6, Fukushima teaches the sub-path information includes synchronous information, a synchronization point for the synchronous playback is indicated by timing information included in the synchronous information, and if the timing information is set to an undefined value, the synchronization point is set by the playback device to a time at which a predetermined user operation is received (column 12, lines 16-36).

Regarding claim 7, Fukushima teaches the synchronous information further includes position information and size information, the position information indicates a display position of the secondary video playback when presented on the same screen as the primary video playback, and
the size information indicates a height and a width of the secondary video playback when presented on the same screen as the primary video playback (the subtitle is displayed in an area having a predefined size).
Regarding claim 10, Fukushima teaches the main stream is a digital stream carrying primary video, and the substream is a digital stream carrying secondary video,
the playback device further comprises:
a first decoder operable to decode the main stream to obtain the primary video; and
a second decoder operable to decode the substream to obtain the secondary video (Fig. 9) .

Regarding claim 11, Fukushima teaches a composite unit (22) operable to present, on a same screen, playback of the primary video obtained by the first decoder and the secondary video obtained by the second decoder, by overlaying (107) the primary video with the secondary video (Fig. 9).

Regarding claim 12, Fukushima teaches the playback device according to Claim II, wherein the synchronous information includes timing information set to an undefined value to indicate the synchronization point,

the undefined value instructs the playback device to set, as the Synchronization point, a time at which a predetermined user operation is received during playback

of the primary playback section, and the playback device further comprises:

a setting unit operable, if the timing information included in the synchronous information is set to the

undefined value, to receive a rock Operation specifying the synchronization point under a state where the primary playback section is solely played back, and the setting unit is further operable to overwrite the undefined value with a value indicating the point specified by the rock operation (column 12, lines 16-36).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al in view of Hirayama et al (5751892).

Regarding claim 2, Fukushima further teaches timing information such as the pointers or addresses of the sections but fails to specifically teach that the timing information is start time and end time of playback section. Hirayama teaches using timing information as start time and end time for playback section (column 8, lines 1-10, Fig. 8). It would have been obvious to one of ordinary skill in the art to modify Fukushima with Hirayama by providing the start time and end time information for playback sections of Fukushima thereby accurately access the playback sections.

Regarding claim 3, Fukushima as modified with Hirayama teaches entry map is first type (Fig. 2-3) and second type (Figs. 12-13).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al in view of Yamaguchi et al.

Regarding claim 13, Fukushima does not teach button information Yamaguchi teaches sub stream is button information (Fig. 11). It would have been obvious to one of ordinary skill in the art to modify Fukushima with Yamaguchi by providing the sub stream of Fukushima with button information thereby enhancing the capacity of the apparatus of Fukushima in operating the apparatus.

12. Claim 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al in view of Velez et al (6,678,006).

Regarding claims 14 -15, Fukushima does not teach scaling the secondary video (subtitle). Velez teaches a scaling means for scaling secondary video (fig. 4 column 7, lines 1-13). It would have been obvious to one of ordinary skill I in the art to modify Fukushima with Velez by providing a scaling means as taught by Velez with the apparatus of Fukushima for scaling the secondary video to a desired size on display therefor enhancing the capacity of the apparatus of Fukushima .

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621